

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7556**

**BILL NUMBER:** HB 1578

**NOTE PREPARED:** Jan 8, 2003

**BILL AMENDED:**

**SUBJECT:** Sexually Oriented Businesses.

**FIRST AUTHOR:** Rep. Noe

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** The bill makes it a Class A misdemeanor for a person who is seminude to be closer than six feet from the patron of a sexually oriented business. It makes it a Class A misdemeanor for a patron in a sexually oriented business to touch a person who is seminude, or for a person who is seminude in a sexually oriented business to touch a patron. The bill also makes it a Class B infraction for a sexually oriented business to admit a person less than 21 years of age.

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. The maximum judgment for a Class B infraction is \$1,000, and the bill would require a minimum civil penalty for the Class B infraction of \$500. Infraction judgements are deposited in the state General Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee for a Class A misdemeanor or \$70 court fee for a Class B infraction that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 or \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**

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